

Commonwealth of Massachusetts
Department of Telecommunications and Energy
Fitchburg Gas and Electric Light Company
Docket Nos. D.T.E. 02-24/25
Responses to the Division of Energy Resources First Set of Information Requests

Request No. DOER 1-16 (Gas):

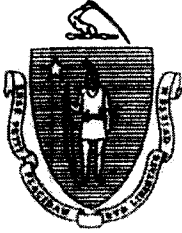
Were any of the investments in gas system upgrades made in response to, or in compliance with, any federal, state, or municipal order, including but not limited to enforcement orders, compliance schedules, or supplemental improvement orders? If "yes" provide a complete explanation of such order(s) and include copies of all such order(s) and all other documents relevant to such order(s).

Response:

Yes.

Copies of the Consent Orders and Compliance Agreements for D.T.E. 00-PL-02, D.T.E. 00-PL-05 and D.T.E. 02-PL-03 are included as Attachment 1, Attachment 2 and Attachment 3 with this response. Each order includes a detailed explanation of the circumstances that resulted in the order.

Person Responsible: Mark H. Collin



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

In the matter of
Fitchburg Gas and Electric Light Company
Respondent

D.T.E. 00-PL-02

CONSENT ORDER

- (1) This document with the attached Compliance Agreement is a Consent Order entered into between the Department of Telecommunications and Energy ("Department") and Respondent, and is executed in accordance with 220 C.M.R. 69.08. Failure to comply with the terms of this Order may result in the assessment of civil penalties and/or in referral of the matter to the Attorney General for appropriate action. The terms and conditions of this Order become effective upon signing by the authorized representatives of the Respondent and Department.
- (2) Pursuant to G.L. c. 164, Sec. 105A, the Department conducted safety inspections of the Respondent's facilities during 1999 and continued discussions with the Respondent during January 2000. At a meeting held on March 3, 2000, the Respondent agreed to sign a Consent Order to achieve compliance with the violations listed below.
- (3) The Department finds that the Respondent violated the following pipeline safety regulations contained in Title 49 C.F.R. Part 192 ("Part 192") and the Massachusetts Gas Distribution Code, 220 C.M.R. 100.00 -113.00:

Operating and Maintenance Manual

During 1998, 1999 and as of March 3, 2000, Fitchburg did not have an adequate Operating and Maintenance Manual. This constitutes violations of the following sections of Part 192:

§ 192.13(c) **General**;

§ 192.605(a) **General**;

§ 192.605(b) **Maintenance and normal operations**

(b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(8), (b)(9).

Emergency Plans

During 1998, 1999 and early 2000, Fitchburg did not have adequate written procedures to minimize the hazard resulting from a gas pipeline emergency. This constitutes violations of the following sections of Part 192:

§ 192.615(a) **Emergency Plans**



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- (a)(1), (a)(2), (a)(3)(i), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), (a)(10);
§ 192.615(b) **Emergency Plans**
(b)(1), (b)(2), (b)(3);
§ 192.615(c) **Emergency Plans**
(c)(1), (c)(2), (c)(3), (c)(4).

Pressure Relief and Limiting Devices and Stations

During June, July and August 1999, an inspector observed that a regulator station had been operating in an unsecured manner, without locks on the doors to the building and without a fence denying access to unauthorized personnel.

- § 192.13(b), (c) **General**;
§ 192.199(h) **Design of Pressure Relief and Limiting Valves** ;
§ 192.203(b)(9) **Instrument, Control, and Sampling Pipe Components**.

Maintenance - Leakage Surveys

During the summer of 1999, the Respondent could not document that it had leak surveyed a 4-inch high pressure main off of Temple Street, Gardner. The main is located in an area inaccessible to mobile surveyors. It appears that this failure extended over a period in excess of five years.

- § 192.703(a) **General [Maintenance]**;
§ 192.723(a), (b)(2) **Distribution Systems: Leakage Surveys**;
220 C.M.R. § 101.06(21)(b)

Exposed Main Condition Reports

In completion of Leak Repair Information Forms and Main and Service Installation Forms, the Respondent did not always complete the reports to indicate the condition of exposed piping.

- § 192.459 **External Corrosion Control**;
§ 192.603(b) **General Provisions**.

Installation of New Plastic Main

In October 1999, an inspector observed the Respondent installing plastic pipe with gouges exceeding 10 percent of the pipe wall thickness. The pipe was cut out and replaced. In front of #390 Parker Street, the new main had only 17

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inches of cover.

- § 192.305 Inspection: General;
- § 192.307 Inspection of Materials;
- § 192.311 Repair of Plastic Pipe;
- § 192.327(b) Cover.

Customer Meters and Service Regulators

During January and February 1999, the inspector observed outside gas meters without adequate protection. These meters were in commercial areas where traffic could easily have caused damage. The locations were on River Road, at the CVS on John Fitch Highway and the Mall at Park Hill Plaza. The inspector observed a service regulator vent without screening at K-Mart, Fitchburg.

- § 192.353(a) Customer Meters and Regulators: Location;
- § 192.355(b)(1) Customer Meters and Regulators: Protection from Damage.

Lack of Precaution in a Blasting Area (Chestnut Street, Fitchburg)

The Respondent took no precautions to protect its cast iron main underlying Chestnut Street during blasting operations in proximity to the pipe by a contractor installing water lines.

- § 192.13(c) General
- § 192.613(a) Continuing Surveillance;
- § 192.614(c)(6)(i) and (ii) Damage Prevention Program;
- § 192.721(a) Distribution Systems: Patrolling;
- § 192.755(a) Protecting Cast Iron Pipe
(a)(1), (a)(3), (a)(4) and (a)(5).

Lack of Odorization and Odorization Tests

During June 1999, an inspector requested the Respondent's odorization records. There were none. In addition, the old odorizing equipment had been inactive for an extended period which indicates that the Respondent had not been adding odorant compound to its gas.

- § 192.13(c) General;
- § 192.603(a) General Provisions;
- § 192.603(b) General Provisions [Operations];

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§ 192.605(a) **Procedural Manual for Operations, Maintenance, and Emergencies;**
§ 192.625(f) **Odorization of Gas [Periodic Sampling];**
220 C.M.R. § 101.06(20)(a) **Odorization of Gas [Amount];**
220 C.M.R. § 101.06(20)(f) **Odorization of Gas [Periodic Sampling].**

Abandoned/Inactive Services

In early 1999, the Respondent had no written procedures for abandonment of inactive services. The Respondent had incomplete records regarding dates when service lines became inactive. Some of the Respondent's abandonments were not done by cutting the service line at the main. Instead, expedient cuts were made at the curb valve, foundation or property line. There is no proof that the service line segments were plugged as required. The Respondent has also failed to file annual inactive service reports for CY 1995, 1996, 1997 and 1998.

220 C.M.R. § 107.04 **Procedures for Abandonment of Service Lines;**
220 C.M.R. § 107.05 **Abandonment of Service Lines;**
220 C.M.R. § 107.06 **Records and Reports**
(1), (2), (3).

Leakage Surveys

Fitchburg's leak survey program does not have adequate procedures. The survey intervals are not proper to meet current regulatory requirements. Fitchburg had been utilizing combustible gas indicators which are not adequate for outside surveys. There are deficiencies in its public building survey records. In many instances there was no follow-up action by Fitchburg to correct leaks when appropriate.

§ 192.13(c) **General;**
§ 192.723 **Distribution Systems: Leakage Surveys**
(a), (b)(1), (b)(2);
220 C.M.R. § 101.06(21) **Distribution Systems Leakage Surveys**
(a), (b), (d) and (e).

Customer-Owned Buried Piping


Fitchburg failed to inform its customers who operate buried piping as described in § 192.16(a) of the applicable information set forth in § 192.16(b).

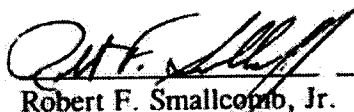
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§ 192.16 Customer Notification

(b)(1), (b)(2), b(3)(i), b(3)(ii), b(3)(iii), b(4), b(5), (c).

- (4) The Respondent acknowledges that the Department finds that the above-cited violations occurred. In signing this agreement, the Respondent does not admit that a violation occurred.
- (5) This is a final Order of the Department. The Respondent expressly waives any right to appeal or right to judicial review that might otherwise attach to a final Order of the Department.

 4/10/00
Michael Dalton Date
President, Fitchburg Gas and
Electric Light Company

 4-3-00
Robert F. Smallcomb, Jr. Date
Director, Pipeline Engineering
and Safety Division
Massachusetts Department of
Telecommunications and Energy

**COMPLIANCE AGREEMENT
BETWEEN THE DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
AND FITCHBURG GAS AND ELECTRIC LIGHT COMPANY**

D.T.E. 00-PL-02

Fitchburg Gas and Electric Light Company ("Fitchburg") agrees to take the following actions within the specified time periods:

1. Within 60 days of the effective date of this Order, submit to the Department an Emergency Response Program to complete its requirements under § 192.605(a) and § 192.615.
2. Within 30 days of the effective date of this Order, submit to the Department documentation that the regulator station at Logan Street, Gardner has been secured to ensure compliance with Part 192 §§ 192.199(h) and 192.203(b)(9).
3. Within 90 days of the effective date of this Order, forward to the Department documentation to verify that Fitchburg is meeting the inspection requirements of § 192.459 pertinent to exposed mains and service lines for the first 60 days after the execution of the Order.
4. Within 30 days of the effective date of this Order, review the installation records of the main installed on Parker Street, Gardner, to determine where ledge may have deterred installation of the main with 24 inches of cover. Provide the Department with the survey means and material used to make the determination. Within 120 days of the effective date of this Order, exhume and reinstall all mains and services to meet the proper cover requirements.
5. Within 120 days of the effective date of this Order, provide the Department with documentation to verify that Fitchburg has surveyed all outside gas meters and service regulator vent lines to ensure that the meters are protected from vehicle damage, where applicable, and service regulator vents are insect resistant. The corrective actions taken shall be included in the documentation packet.
6. Within 90 days of the effective date of this Order provide evidence to the Department that Fitchburg has complied with the inactive service line abandonment requirements of 220 C.M.R. 107.00 at the following addresses in Gardner:

96 Daniel Street
100 Daniel Street
51 Chestnut Street
60 Chestnut Street
183 Chestnut Street

262 Chestnut Street
291 Chestnut Street
386 Chestnut Street
Chestnut Street School

Compliance Agreement
D.T.E. 00-PL-02

7. Within 30 days of the effective date of this Order, provide the Department with Fitchburg's Inactive Service Reports for the Calendar Years 1995, 1996 and 1997.
8. Within 60 days of the effective date of this Order, provide the Department with documentation that it has notified in writing provided each customer with underground piping, as described in § 192.16(a), with the essential information set forth in § 192.16(b).
9. Within 30 days of the effective date of this Order, pay a civil penalty to the Commonwealth of Massachusetts in the amount of \$20,000.



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

In the matter of
Fitchburg Gas and Electric Light Company
Respondent

D.T.E. 00-PL-05

CONSENT ORDER

- (1) This document with the attached Compliance Agreement is a Consent Order entered into between the Department of Telecommunications and Energy ("Department") and Respondent, and is executed in accordance with 220 C.M.R. 69.08. Failure to comply with the terms of this Order may result in the assessment of civil penalties and/or in referral of the matter to the Attorney General for appropriate action. The terms and conditions of this Order become effective upon signing by the authorized representatives of the Respondent and Department.
- (2) On July 21, 1999, the Respondent stated in a letter to the Department that it had either not tested or improperly tested new and reinstated service lines for an unknown period of time. In addition, the Respondent stated that a former employee may have omitted or improperly recorded test data that did not represent true test data which is essential prior to operating a pipeline or segment of a pipeline. In response, pursuant to G.L. c. 164, § 105A, the Department reviewed the Respondent's records and procedures from August 1999 to March 2000.
- (3) As a result of the investigation, the Department has determined that the Respondent put into service, between October 1, 1985 and February 28, 1998, over 1,000 service lines which had not been properly leak tested. This constitutes violations of the following sections of Title 49 C.F.R. Part 192 ("Part 192") and the Massachusetts Gas Distribution Code, 220 C.M.R. 100.00 -113.00:

220 C.M.R. § 101.06(17)(a), (b) and § 192.511(a), (c)

New non-plastic service lines operating at less than 100 psig must be tested at a minimum of 90 psig for 15 minutes.

220 C.M.R. § 101.06(18)(a), (b) and § 192.513(a), (b), (c)

All plastic service lines shall be tested to the greater of 90 psig or 150% of the maximum operating pressure for a period of 15 minutes.

220 C.M.R. § 101.06(22)(a)

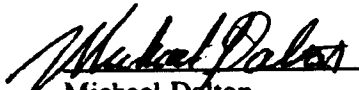
Reinstated service lines to be operated at no greater than 1 psig shall be tested to at least 10 psig for not less than 15 minutes. Each disconnected service line must be tested as a new service line before being reinstated.

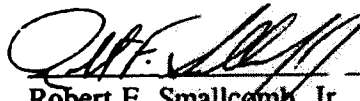
Consent Order
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Page 2

§ 192.619(a)(2)(i) and (ii)

A maximum allowable operating pressure must be established .

- (4) The Respondent acknowledges that the Department finds that the above-cited violations occurred. In signing this agreement, the Respondent does not admit that a violation occurred.
- (5) This is a final Order of the Department. The Respondent expressly waives any right to appeal or right to judicial review that might otherwise attach to a final Order of the Department.

 4/10/00
Michael Dalton Date
President, Fitchburg Gas and
Electric Light Company

 4-3-00
Robert F. Smallcomb, Jr. Date
Director, Pipeline Engineering
and Safety Division
Massachusetts Department of
Telecommunications and Energy

**COMPLIANCE AGREEMENT
BETWEEN THE DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
AND FITCHBURG GAS AND ELECTRIC LIGHT COMPANY**

D.T.E. 00-PL-05

Fitchburg Gas and Electric Light Company ("Fitchburg") agrees to take the following actions within the specified time periods:

1. Until such time as each service line is tested in accordance with the applicable regulation, Fitchburg will perform an annual leakage survey, using a flame ionization detector or equivalent, on each service line installed between October 1985 through February 1998. The leakage survey shall be inclusive from the connection at the main to the outlet of the customer meter. The leakage surveys shall be completed during each calendar year ("CY") commencing with CY 2000. Fitchburg will provide the Department with an annual list of service lines surveyed with results and responding action no later than March 15 of the following year.
2. Within 15 years, Fitchburg shall leak test all high pressure service lines, installed between October 1, 1985 through February 28, 1998, from the curb valve to the meter valve at a pressure of 150 psig for a period of 15 minutes. Pressure loss due to leakage shall not be permitted during the test. Upon completion of a leak test, the respective service line is released from the provisions of Item 1 above. No later than March 15 of each year, Fitchburg shall provide the Department with an annual list of high pressure service lines that have been brought into compliance under item 2 during the preceding year.
3. Commencing with CY 2000, Fitchburg will annually replace 2 miles of cast iron main, subject to 220 C.M.R. 113.00. When tying over existing service lines to other low pressure mains, Fitchburg shall test each service line for at least 15 minutes in accordance with the following methodology:

Steel installed prior to October 1, 1985 - 10 psig minimum;
Steel installed between October 1, 1985 and February 28, 1998 - 90 psig minimum;
Steel installed after February 28, 1998 - 10 psig minimum;
Plastic installed prior to October 1, 1985 - 50 psig minimum;
Plastic installed between October 1, 1985 and February 28, 1998 - 90 psig minimum;
Plastic installed after February 28, 1985 - 50 psig minimum.

When attaching any new service line to a low pressure main, it shall be tested at 90 psig

for 15 minutes. When replacing cast iron mains under this item, Fitchburg shall replace any low pressure service line, installed prior to August 1, 1971. Not later than March 15 of each calendar year, Fitchburg will provide the Department with a list of service lines tested in accordance with this item. It shall also provide the Department with a list of replaced service lines, installed prior August 1, 1971.

4. Within 30 days of the effective date of this Order, pay a civil penalty to the Commonwealth of Massachusetts in the amount of \$25,000.



Fitchburg Gas and
Electric Light Company

April 30, 2002

Robert F. Smallcomb
Director, Pipeline Engineering and Safety Division
Office of Consumer Affairs and Business Regulation
The Commonwealth of Massachusetts
Department of Telecommunications & Energy
One South Station
Boston, MA 02110

RE: D.T.E. 02-PL-03

Dear Mr. Smallcomb:

In accordance with the Compliance Agreement Between The Department Of
Telecommunications and Energy and Fitchburg Gas and Electric Light Company:
D.T.E. 02-PL-03, the following response action is set forth:

Action 1:

The Fitchburg Gas and Electric Light Company has contracted with a qualified contractor to apply a proper coating to the gas main that crosses the Bemis Rd. Bridge in Fitchburg and connects to the new 8" coated main located in Bemis Rd., Fitchburg. This work is scheduled to be completed by August 1, 2002. Pursuant to our conversation of April 3, 2002, this work completion date is acceptable to you and will satisfy the terms of the consent order.

Action 2:

Attached is a payment of a civil penalty in the amount of \$2,000 to the Commonwealth of Massachusetts.

Very truly yours,

A handwritten signature in cursive script that reads "Robert E. Bisson".

Robert E. Bisson
Director of Operations
Unitil / Fitchburg Gas and Electric Light Company

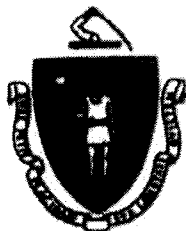
Business Office

285 John Fitch Highway
Fitchburg, MA 01420-5993

Phone: 888-301-7700

Fax: 978-353-3764

Email: corp@unitil.com



The Commonwealth of Massachusetts
DEPARTMENT OF
TELECOMMUNICATIONS AND ENERGY

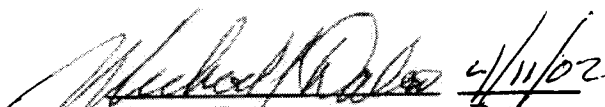
In the matter of
Fitchburg Gas and Electric Light Company
Respondent

D.T.E. 02-PL-03

CONSENT ORDER

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- (2) Pursuant to G.L. c. 164, Sec. 105A, the Department conducted safety inspections of the Respondent's facilities on November 16, 2001. As a result of the inspections, the Director of the Pipeline Engineering and Safety Division ("Division") issued to the Respondent by letter, dated April 2, 2002, a Notice of Probable Violation, D.T.E. 02-PL-03 ("Notice") in accordance with 220 C.M.R. 69.03.
- (3) The Department finds that the Respondent violated the following pipeline safety regulation contained in 49 C.F.R. Part 192 Subpart I - Requirements for Corrosion Control. The specific section is :

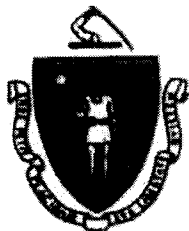
§ 192.455 External Corrosion Control: Buried or Submerged Pipelines Installed after July 31, 1971
- (4) In agreeing to take the actions set forth in the attached Compliance Agreement, however, the Respondent does not agree that a violation of any Department or federal pipeline safety regulation occurred in relation to the above matters.
- (5) This is a final order of the Department. The Respondent expressly waives any right to appeal or right to judicial review that might attach to a final order of the Department.


Michael Dalton
President and CEO
Unitil/Fitchburg Gas and
Electric Light Department

Date

Robert F. Smallcomb
Director, Pipeline Engineering
and Safety Division

Date



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

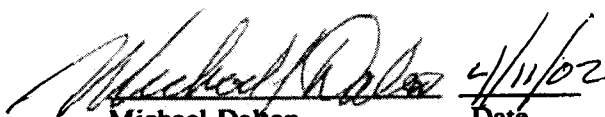
In the matter of
Fitchburg Gas and Electric Light Company
Respondent

D.T.E. 02-PL-03

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- (3) The Department finds that the Respondent violated the following pipeline safety regulation contained in 49 C.F.R. Part 192 Subpart I - Requirements for Corrosion Control. The specific section is :

§ 192.455 External Corrosion Control: Buried or Submerged Pipelines Installed after July 31, 1971
- (4) In agreeing to take the actions set forth in the attached Compliance Agreement, however, the Respondent does not agree that a violation of any Department or federal pipeline safety regulation occurred in relation to the above matters.
- (5) This is a final order of the Department. The Respondent expressly waives any right to appeal or right to judicial review that might attach to a final order of the Department.


Michael Dalton
President and CEO
Unitil/Fitchburg Gas and
Electric Light Department

Date

Robert F. Smallcomb Date
Director, Pipeline Engineering
and Safety Division

Company: 20

Fitchburg Gas & Electric Light Company

Checking Account: 20-CHECK

Check Number: 55773

Vendor Number: MASS TEL

DTE 02-24/25

Attachment 3 DOER 1-16 (Gas)

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Invoice Number	Date	Gross Amount	Disco
DTE02PL03	04/11/02	2,000.00	2,000.00
Total		2,000.00	2,000.00

Fitchburg Gas and
Electric Light Company6 Liberty Lane West
Hampton, NH 03842-1720
603 772-0775

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK-HOLD AT ANGLE TO VIEW

FLEET
FLEET MAINE, N.A.
SOUTH PORTLAND, ME

52-153

112

Date	Check Number
04/11/2002	55773

Check Amount

*****\$2,000.00

VOID AFTER 90 DAYS

Pay Two thousand and 00/100 Dollars
To The
Order OfMASSACHUSETTS DEPARTMENT OF
TELECOMMUNICATIONS AND ENERGY
ONE SOUTH STATION-4TH FLOOR
BOSTON, MA 02110
Authorized Signature

⑈0000055773⑈ ⑆011201539⑆ 80 084 629⑈


SENDER: COMPLETE THIS SECTION


Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Robert F. Smallcomb
Pipeline Engineering & Safety
MDTE
One South Station
Boston, MA 02110

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent
 ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery 

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Number 7001 1940 0004 3998 7693
(Transfer from service label)

Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509